



STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

**Written Testimony of Representative Garey Bies
Assembly Committee on Forestry
Assembly Bill 785 – Harvesting of Raw Forest Products**

Fellow Committee members, I appreciate the opportunity to submit my testimony in support of Assembly Bill 785, relating to the harvesting of raw forest products. I have brought this legislation forward as a result of a constituent recently being cited under this law. I understand why this law was originally put on the books - to prevent someone cutting wood on property that has back taxes due. But in this situation, I do not believe that my constituent should have been cited.

My constituent involved in this case is a retired farmer in his late 60s. He has been an honest, law abiding person his whole life. I believe the DNR agent in this case could have used better judgment than to charge my constituent under this obscure law. Shortly after receiving the citation from the warden, the farmer went to the county clerk and was issued his permit, there were no taxes due.

As you hear other testimony you must remember that this law is only worded to protect land with taxes due to prevent the land from being further devalued. Others will say they need this law for other reasons, but that is not what this law is for. If they use this law for other purposes then I say craft a law to address those needs, do not bastardize this law. It was wrong to fine this farmer the \$186 and make him take three trips to the courthouse.

I will conclude my brief remarks by respectfully requesting your support of Assembly Bill 785 in committee. I would be happy to answer any questions that you may have. Thank you.

First for Wisconsin!

Capitol: P.O. 8952, Madison, WI 53708-8952 • (608) 266-5350 • Fax: (608) 282-3601
Toll-Free: (888) 482-0001 • Rep.Bies@legis.state.wi.us

Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811

Wisconsin Towns Association

Richard J. Stadelman, Executive Director

W7686 County Road MMM

Shawano, Wis. 54166

Tel. (715) 526-3157

Fax (715) 524-3917

Email: wtowns@frontiernet.net

To: Assembly Committee on Forestry

From: Richard J. Stadelman, Executive Director

Re: AB 785 relating to notification of harvesting of raw forest products

Date of Memo: February 12, 2008

On behalf of Wisconsin Towns Association, I want to express serious reservations about creating an exception from the notification requirement if a person notifies the county clerk of harvesting within seven days after being informed by the DNR or by the county of the notification requirement. This bill creates in Sec. 2 of the bill an exemption from a forfeiture for failure to notify if the person gives notice within seven days after being informed by the DNR or the county. The effect of this bill means the responsibility will be upon the DNR and county to seek out such cuttings.

The cutting notice puts local officials on notice to insure that delinquent property taxes are paid at the time of cutting and that proper stumpage payments will be reported under the Managed Forest Land program.

Rather than eliminate the possible forfeiture up to \$100 under current law as this bill proposes, in the event that a person who has never given notice in the past is found to have failed to give the proper cutting notice, we would suggest reducing the forfeiture for a first time offender to a smaller forfeiture such as \$25. This still keeps a penalty for failure to give the cutting notice, but does give consideration for the first time offender.

Thank you for your consideration. I will not be able to attend the Committee hearing on this bill, but would welcome any comments or questions you may have.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT
NO. 1000

Wisconsin County Forests Association

Jane Severt, Executive Director
518 W. Somo Avenue
Tomahawk, WI 54487

February 11, 2008

Elroy Zemke, President
Rothschild, Wisconsin

Paul Lokken, Sr, Vice President
Eau Claire, Wisconsin

Michael Larsen, Treasurer
Amery, Wisconsin

Louis Winkler, Director
Gillett, Wisconsin

William Walker, Director
Marinette, Wisconsin

Wilbur Petroskey, Director
Rhinelander, Wisconsin

Michael Roiger, Director
Medford, Wisconsin

George Graven, Director
Gordon, Wisconsin

David L. Good., Director
Bayfield, Wisconsin

Gene DuSell, Director
Ladysmith, Wisconsin

Ed Kelley, Alternate
Florence, Wisconsin

Graham Rankin, Alternate
Irma, Wisconsin

Norman Bickford, Alternate
Webster, Wisconsin

John Robinson, Alternate
Superior, Wisconsin

Beverly Larson, Alternate
Wonewoc, Wisconsin

Robert Ebner, Director-at-Large
Cameron, Wisconsin

James Barrett, Director-at-Large
Minong, Wisconsin

Representative Don Friske, Chairman
Assembly Forestry Committee
Room 312 North
P.O. Box 8952
Madison, WI 53708

Representative Friske,
Wisconsin County Forests Association (WCFA) would like to offer the following testimony for consideration at the February 12, 2008 Public Hearing of the Assembly Committee on Forestry:

Regarding AB 785 (LRB 3441) – WCFA would like to offer testimony in opposition to this bill for the following reasons. WCFA does not view this law as “obscure” such as is noted in the Memorandum from Rep. Garey Bies but rather we see the law as a valuable tool used by counties and townships. Several County Clerks send copies of filed cutting notices to the County Forest Administrator. If the proposed cutting as outlined in the notice is adjacent to County Forest Lands the County Forest Administrator has the ability to review cutting boundaries before cutting takes place often times averting the situation of timber trespass to County Forest Lands. When townships are made aware of proposed cutting through cutting notices filed with the County Clerk they are better able to monitor both the cutting of timber and the hauling. Use of town roads where weight limits, bridges or culverts may be an issue is important to towns. Even though land values are increasing and individuals may be less likely to allow their lands to go tax delinquent there are instances where this law has recently been used to prevent cutting of timber on lands that were indeed delinquent in the payment of taxes. If this proposal becomes law then there really is no need to have the law on the books at all as landowners will be less inclined to file a cutting notice with the County Clerk if they know they will be given seven days to do so AFTER they are notified by the WDNR Ranger. Most landowners will take their chances on not being caught as there are no real consequences for not filing the cutting notice, they would have seven days to “make things right”. By that time much of the timber could be cut and gone and possible timber trespass or sale of wood from tax delinquent lands would have already occurred and the damage may have already been done to township or county forest road systems. We believe the current law to be effective and useful.

Regarding AB 781 (LRB 3610) – WCFA would like to offer testimony in opposition to this bill for the following reasons; We are concerned that the increased cost and workload to WDNR, counties and townships that this proposal would require has not been researched enough. These costs have the potential to be significant in terms of both personnel time and required software revisions that would be necessary to accommodate a third tier in the MFL program. WCFA does not see adding a third tier to MFL as the correct remedy to the current situation. We are concerned with the loss of the original intent of the MFL program, which we believe to be public benefit derived from the long - term sustainable forest management of private lands. Adding this third tier to the MFL program will not solve nor does it address the problem of manipulation of land deeds. WCFA is opposed to AB 781.

Thank you for the opportunity to comment on these two proposed pieces of legislation. If you need any additional information from us or have any questions, please do not hesitate to contact our office.

Sincerely,

Jane F. Severt, Executive Director
Wisconsin County Forests Association

Telephone: 715-453-6741
E-mail: wcfa@mac.com
Website: www.wisconsincountyforests.com



February 11, 2008

Rep. Donald Friske
Room 312 North
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Rep. Friske and Committee on Forestry:

Wisconsin Consulting Foresters (WCF) members wish to support AB 785.

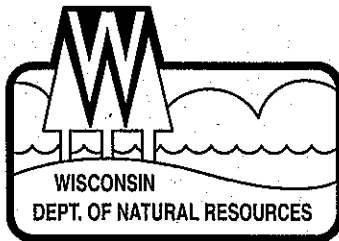
However there is a concern that the Counties vary greatly in what information is required to file a cutting notice. In fact some of the Counties require that a written copy of the timber sale contract be provided or a letter signed by all of the property owners be submitted. WCF recommends that this notice to cut raw forest products is simply a method to determine that the taxes are paid and a notification to the DNR that harvesting is to take place for fire control and prevention.

I regret that I will not be able to attend the hearing on Feb. 12. WCF is holding our annual business meeting that day.

Thank you for the opportunity to provide input into the development of this program.

Sincerely,

Allan G. Waelchli, Chairman
Wisconsin Consulting Foresters (WCF)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

Assembly Bill 785

Assembly Committee on Forestry

Department of Natural Resources Testimony
Gary Bibow, Private Lands Law Enforcement Specialist
Bureau of Forest Protection, Division of Forestry
February 12, 2008

Mr. Chairman and Committee Members:

Good morning, my name is Gary Bibow; I am the Private Lands Forestry Law Enforcement Specialist for the Division of Forestry, representing the Department of Natural Resources.

I would like to provide you some information on how the current statute (26.03(1m)) on cutting notices is utilized to help ensure sustainable forestry on private lands in addition to its value in collecting back property taxes.

The current law requires that the landowner, logger, or consulting forester contracted by the landowner, file a notice of intent to cut at least fourteen days prior to harvest. This gives the county and townships adequate time to make sure that the taxes are paid on the property **before** the valuable timber is harvested and removed from the property.

The cutting notice is a tool that notifies the DNR forester that a landowner is contemplating a timber sale. The forester commonly will then contact the landowner, discuss the landowner's objectives, and provide them information necessary to carry out the sale using proper and sustainable forest management **before** any timber is cut. If the sale has already commenced or has been completed before the notice is filed, it may be too late to provide that information to the landowner and irreparable damage to the forest resource may have already been done.

The department provides information to landowners of the requirement to file the cutting notice through a number of channels. These may be landowner workshops, newsletters, newspaper articles written by foresters, and personal contact with DNR and cooperating foresters. In addition, mailings have been sent to cooperating foresters and the logging community re-informing them of this law. This was done on a broad scale in the 16 county Northeastern Region of the State in 2003. Other areas of the State have and continue to disseminate this information in a similar fashion as well.

As an enforcement tool, both the logger and the landowner can be cited for failing to file a county cutting notice. Not all of the responsibility is on the landowner. In most cases the logger or consulting forester is cited for failing to file the notice as they are more aware of the timber harvesting laws than most landowners. However, if a landowner decides to conduct the harvesting on his/her own the responsibility lies with that landowner. Annually, more than 5000 county cutting notices are filed. A cutting notice is not required for harvesting firewood for the landowner's own consumption, for harvesting up to five Christmas trees for his/her own use, for shearing boughs, or for clearing the property for agricultural use.

This bill proposes that a "person" who has not filed a cutting notice previously would have a grace period of seven days to file a county cutting notice after they have been notified by the Department or county for not filing it, which is generally after timber harvesting has commenced or has been completed. This would provide a disincentive for everyone to file a cutting notice in the future prior to harvesting timber, since you would not have to file a cutting notice until you were notified of not filing one. In addition, it would place an additional burden on the counties to maintain records of cutting notices filed over time.

Since many landowners only conduct a timber harvest once in their lifetime, we understand that a landowner who is harvesting their own timber, without assistance from a logger, consulting forester or DNR forester, may not know of, or understand, the cutting notice requirement.

Therefore, we would like to suggest that the wording of 26.03 (1m)(a)1g. be amended to read:

A landowner who has never given notice under subd. 1. and who is harvesting raw forest products, without assistance from a forester or logger, on their own property shall be considered not to be in violation of subd. 1. if the landowner notifies the county clerk of the harvesting within 7 days after being informed by the department or by the county of the notification requirement.

We believe the grace period for filing a county cutting notice should only be for a landowner specifically harvesting on their property and only when they are not involved with a consulting forester or logger in harvesting the timber. This is mainly due to the fact that loggers and consulting foresters are aware of this requirement to file a county cutting notice.

In summary, this proposed legislation as written would take away a pro-active tool from the counties and townships to recover back taxes on properties and from the Department in encouraging sustainable forestry. The department recognizes that landowners, under certain circumstances may not be knowledgeable of the county cutting notice requirements and therefore have proposed a suggested amendment to address this circumstance.


Thank you for your time today and I would be glad to answer any questions that you may have.



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

TO: Members of the Assembly Committee on Urban and Local Affairs

FROM: John Reinemann, Legislative Director 

DATE: February 12, 2008

SUBJECT: Opposition to Assembly Bill 785

The Wisconsin Counties Association (WCA) opposes Assembly Bill 785 which would amend current law on filing notices of intent to cut timber.

Currently when a landowner, logger, or consulting forester intends to cut timber, they must file a notice of intent to cut with the county clerk. The county clerk shares the notice with the affected municipal clerk. The notice must be filed at least fourteen days before the cutting. Violations are punishable with a forfeiture.

AB 785 would change the requirement to say that a landowner, logger, or consulting forester who has never previously filed notice to cut, is not in violation if they notify the county clerk of the harvesting within seven days after being informed by the Department of Natural Resources or by the county of the notification requirement.

The current fourteen-day requirement gives the county and the municipalities (townships) time to verify that the property from which a timber harvest is being planned, is free of any tax delinquencies before the timber is harvested and removed.

In cases where there is a tax delinquency, it's possible under current law for the county to arrange for payment of the delinquency as part of issuing a cutting permit for the harvest. This is important, as harvesting timber involves removing a valuable asset from land that could be tax-delinquent. In addition to an asset being removed, in many cases the value of the land itself is lower after a timber harvest.

AB 785 would create this new "grace period" only for someone who has never previously filed a notice to harvest with the county. We are concerned that the bill will create a need for counties to maintain a list of all past filers for this new requirement.

More

February 12, 2008

Finally, WCA has concerns about what AB 785's provision that a person would have seven days to file notice after being informed of the requirement to do so. It's not clear to us how, absent a notice, a county clerk could reliably learn of plans to cut timber before that timber harvest occurs.

We believe AB 785 would reduce the ability of counties and towns to recover delinquent taxes on properties subject to timber harvest. For this reason WCA respectfully requests your rejection of Assembly Bill 785 as written. Thank you for considering our comments.